

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) CASE NO. W-17-CR-257(1)-JCM
)
EDDIE ELLIS, JR.,)
Defendant.)

APPLICATION FOR WRIT OF EXECUTION

Plaintiff, United States of America, makes application in accordance with 18 U.S.C. § 3613 and 28 U.S.C. § 3203(c)(1) to the Clerk of the United States District Court to issue a Writ of Execution upon the Judgment rendered in this case in the amount of \$486,210.57 against Defendant, EDDIE ELLIS, JR. Specifically, Defendant was ordered to pay a \$25.00 special assessment and \$486,185.57 in restitution to the Department of Veteran's Affairs and VA Debt Management Center after pleading guilty to one count of theft of government property in violation of 18 U.S.C. § 641. (Doc. No. 25).

According to the records of the United States District Clerk, as of April 18, 2018, the debt balance of \$486,210.57 remains outstanding. The Judgment Defendant's full name is **EDDIE ELLIS, JR.**, and he resides at 114 FM 147, Marlin, Texas 76661.

Dated: April 18, 2018

Respectfully submitted,

JOHN F. BASH
UNITED STATES ATTORNEY

By: /s/ Steven E. Seward
STEVEN E. SEWARD
Assistant United States Attorney
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601 N.W. Loop 410, Suite 600
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ATTORNEY FOR UNITED STATES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
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v.) CASE NO. W-17-CR-257(1)-JCM
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EDDIE ELLIS, JR.,)
Defendant.)

ORDER FOR ISSUANCE OF WRIT OF EXECUTION

The United States of America has applied for a writ of execution upon the judgment rendered in this case against the Defendant, **EDDIE ELLIS, JR.**

The Court, having considered the Application for the Writ of Execution, finds that the application meets the requirements of 18 U.S.C. § 3613 and 28 U.S.C. § 3203(c)(1).

IT IS THEREFORE ORDERED that the Writ of Execution be issued by the Clerk to the United States Marshals Service for the Western District of Texas.

IT IS FURTHER ORDERED that the United States Marshals Service serve this Order and the Clerk's Notice of Post Judgment Execution on the Defendant.

SO ORDERED.

Dated: _____

JEFFREY C. MANSKE
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES OF AMERICA,)
Plaintiff,)
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v.) CASE NO. W-17-CR-257(1)-JCM
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EDDIE ELLIS, JR.,)
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CLERK'S NOTICE OF POST-JUDGMENT EXECUTION

You are hereby notified that all nonexempt property is being taken by the United States of America which has a judgment in the above-captioned case in the amount of \$486,210.57. A balance of \$486,210.57 is outstanding as of April 18, 2018.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. If you are **EDDIE ELLIS, JR.**, you have the right to ask the court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing. If you wish, you may use this notice to request a hearing by checking the box below. You must either mail it or deliver it in person to the **United States District Clerk at 800 Franklin Ave., Room 380, Waco Texas 76701**. You must also send a copy of your request to the **Financial Litigation Unit, USAO-WDTX, Attn: AUSA Steven E. Seward, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216**, so the Government will know that you want a hearing.

The hearing will either take place within five days after the Clerk receives your request or as soon thereafter as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, any personal property may be sold at auction and the proceeds of the sale applied to the debt you owe the Government.

If you think you live outside the federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the **United States District Clerk at 800 Franklin Ave., Room 380, Waco, Texas 76701**. You must also send a copy of your request to the **Financial Litigation Unit, USAO-WDTX, Attn: AUSA Steven E. Seward, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216**, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

JEANNETTE CLACK
CLERK, UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

By:

Deputy

- I hereby request a court hearing. Notice of the hearing should be given to me by mail at the following address:

- I do not want a hearing.

Dated: _____

EDDIE ELLIS, JR.

NOTICE TO DEFENDANT EDDIE ELLIS, JR. ON
HOW TO CLAIM EXEMPTIONS

The attached post-judgment process has been issued at request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be "exempt." The attached form lists the exemptions under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the Clerk's Office of this Court and counsel for the United States. You have a right to a hearing within five business days, or as soon as thereafter as is practicable, from the date you file your claim with the Court.

On the day of the hearing, you should come to Court ready to explain why your property is exempt, and you should bring any documents which may help you prove your case. If you do not come to Court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,)
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Defendant.)

**DEFENDANT'S REQUEST FOR HEARING,
CLAIM FOR EXEMPTIONS, and/or REQUEST FOR TRANSFER**

You are entitled to a hearing if you can demonstrate that you do not owe the money to the Government or you are asserting that the property subject to execution is exempt pursuant to 18 U.S.C. § 3613(a)(1). *See* 28 U.S.C. §§ 3202 and 3203.

If claiming an exemption or requesting a hearing, please complete the following form by checking the space next to applicable section. You must mail or deliver the original of this form to the United States District Clerk and mail a copy to the United States of America as explained in the attached Clerk's Notice of Post-Judgment Writ of Execution to Defendant. *See* 28 U.S.C. §3202(b).

I. CLAIM FOR EXEMPTIONS

I request a hearing based on the exemption(s) checked below:

_____ Wearing apparel and school books. *See* 26 U.S.C. § 6334(a)(1).

_____ Fuel, provisions, furniture, and personal effects that do not exceed **\$6,250.00**.
See 26 U.S.C. § 6334(a)(2) & (g).

_____ Books and tools of a trade, business, or profession that do not exceed **\$3,125.00**.
See 26 U.S.C. § 6334(a)(3) & (g).

_____ Unemployment benefits. *See* 26 U.S.C. § 6334(a)(4).

_____ Undelivered mail. *See* 26 U.S.C. § 6334(a)(5).

- ____ Certain annuity and pension payments – Annuity or pension payment under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of the United States Code. *See* 26 U.S.C. §6334(a)(6).
- ____ Workmen's compensation. *See* 26 U.S.C. § 6334(a)(7).
- ____ Judgments for support of minor children pursuant to a court judgment entered prior to the date of levy to contribute to the support of a defendant's minor children. *See* 26 U.S.C. § 6334(a)(8).
- ____ Certain service-connected disability payments. *See* 26 U.S.C. § 6334(a)(10).
- ____ Assistance under Job Training Partnership Act. *See* 26 U.S.C. § 6334(a)(12).

II. REQUEST FOR HEARING

- I request a hearing because I do not owe the money to the Government.

Explain: _____

III. REQUEST FOR TRANSFER

- I request a transfer to the federal judicial district in which I reside, which is the _____ District of _____ (state).

Defendant's
Signature: _____

Date: _____

Address: _____

E-mail: _____

Daytime Telephone: _____

CERTIFICATE OF SERVICE

I certify that on _____, I mailed a copy of this form to the following:

Financial Litigation Unit
USAO-WDTX
Attn: AUSA Steven E. Seward
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

Signature of Defendant

Exemptions in Criminal Cases

Property exempted from garnishment for payment of criminal fines and restitution is the same property exempted from IRS levy for taxes. 18 U.S.C. § 3613(a) and (f). These exemptions, found at 26 U.S.C. § 6334(a), are as follows:

- ____ Wearing apparel and school books. – Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ____ Fuel, provisions, furniture, and personal effects up to \$6,250.00 in value.
- ____ Books and tools of a trade, business, or profession up to \$3,125.00 in value.
- ____ Unemployment benefits.
- ____ Undelivered mail.--Mail which has not been delivered to the addressee.
- ____ Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ____ Workmen's Compensation.
- ____ Judgments for support of minor children. – If the debtor is required by court judgment, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- ____ Certain service-connected disability payments.
- ____ Assistance under Job Training Partnership Act.

In addition, the following non-IRS exemption from garnishment is available:

- ____ Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,)
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)
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)
EDDIE ELLIS, JR.,)
Defendant.)

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL:

On March 1, 2018, a Judgment was entered in the United States District Court for the Western District of Texas, in this case in favor of the United States of America, and against the Defendant, EDDIE ELLIS, JR., in the amount of \$486,210.57. Specifically, Defendant was ordered to pay a \$25.00 special assessment and \$486,185.57 in restitution for theft of government property in violation of 18 U.S.C. § 641. As of April 17, 2018, the total balance due is \$486,210.57. The Judgment Defendant's full name is **EDDIE ELLIS, JR.**, and he resides at 114 FM 147, Marlin, Texas 76661.

NOW, THEREFORE, YOU ARE HEREBY COMMANDED to satisfy the judgment by levying on and selling all property in which the defendant has a substantial nonexempt interest.

YOU ARE ALSO COMMANDED to collect your costs and expenses and make return of this writ within ninety days after the date of issuance if levy is not made, or, within 10 days after the date of sale of property on which levy is made.

YOU ARE FURTHER COMMANDED that the levy and sale shall not exceed the property responsibly equivalent in value to the aggregate amount of the judgment, costs and interest.

Signed this _____ day of _____, 2018.

(SEAL)

JEANNETTE CLACK
UNITED STATES DISTRICT CLERK
WESTERN DISTRICT OF TEXAS

By:

Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA,)
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EDDIE ELLIS, JR.,)
Defendant.)

NOTICE OF LEVY

TO THE ABOVE-NAMED DEFENDANT AND ALL OTHER PERSONS INTERESTED:

TAKE NOTICE that on the _____ day of _____, 2018, by virtue of an Execution issued out of the above-named court in the above-entitled action on the _____ day of _____, 2018, I have levied upon the following described properties located in the City of Waco, State of Texas, and all the right, title, and interest of said defendant therein, to wit:

- Financial Accounts maintained by Members Choice of Central Texas FCU

THAT THE PARTIES to said action are the United States of America and **EDDIE ELLIS, JR.**, Defendant; and that the amount of Plaintiff's claim and demand, as stated in the said execution, is the sum of \$486,210.57, as of April 18, 2018, together with costs of this service.

UNITED STATES MARSHAL
WESTERN DISTRICT OF TEXAS

By: _____

**Deputy United States Marshal
Western District of Texas**

UNITED STATES DISTRICT COURT
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Defendant.)

SPECIFICATION OF PROPERTY SUBJECT TO EXECUTION

TO THE UNITED STATES MARSHAL:

The following property of the Defendant is subject to execution to satisfy Plaintiff's judgment and are located as follows:

- Financial Accounts maintained at Members Choice of Central Texas FCU

DATED: April 18, 2018

Respectfully submitted,

JOHN F. BASH
UNITED STATES ATTORNEY

By: /s/ Steven E. Seward
STEVEN E. SEWARD
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